



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 29, 2015

U.S. Army Corps of Engineers
Portland District Civil Works
ATTN: Ms. Joyce E. Casey
PO Box 2946
Portland, OR 97208-2946

RE: Water Quality Certification Order No. **11477** for Corps Project No. **CENWP-PM-E-10-03; P2#403198**; Mouth of the Columbia River (MCR) Jetty A Rehabilitation Project, in the vicinity of Cape Disappointment State Park, Ilwaco, Pacific County, Washington

Dear Ms. Casey:

On April 27, 2015, the U.S. Army Corps of Engineers, Portland District Civil Works submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the MCR – Jetty A Rehabilitation Project, Pacific County, Washington.

The proposed rehabilitation activities include: the addition of rock to fortify the jetty trunk and head, construction access improvements, the creation of construction staging/laydown areas, dredging and construction of a temporary barge-offloading facility adjacent to the jetty.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Lori Kingsbury at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

Enclosure

By Certified Mail 7012 2920 0000 1182 1420



e-cc: Barbara Cisneros, Corps of Engineers, Portland District
Rick Schwartz, WA DNR
Christopher Conklin, WDFW
Faith Taylor-Eldred, Pacific County
Tim Crose, Pacific County
ECY RE FEDPERMITS
Loree' Randall, Ecology, HQ SEA
Deb Cornett, Ecology, SWRO WQ
Lori Kingsbury, Ecology, SWRO SEA
Rick Mraz, Ecology, SWRO SEA

IN THE MATTER OF GRANTING A)	ORDER No. 11477
WATER QUALITY)	Corps Project No. CENWP-PM-E-10-03;
CERTIFICATION TO)	P2#403198,
U.S. Army Corps of Engineers)	Mouth of the Columbia River (MCR) Jetty A
Portland District Civil Works)	Rehabilitation Project within the U.S. Coast
in accordance with 33 U.S.C. 1341)	Guard Reservation, in the vicinity of Cape
(FWPCA § 401), RCW 90.48.120, RCW)	Disappointment State Park, Ilwaco, Pacific
90.48.260 and Chapter 173-201A WAC)	County, Washington

TO: U.S. Army Corps of Engineers
Portland District Public Works
ATTN: Joyce Casey
PO Box 2946
Portland, OR 97208-2946

On April 27, 2015, the U.S. Army Corps of Engineers, Portland District Public Works (Corps) submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification for the Mouth of the Columbia River (MCR) Jetty A Rehabilitation Project. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on May 21, 2015.

The proposed project consists of the following primary components:

- Construct an access pathway with up to three vehicle turnouts along the side of jetty;
- Create construction staging/laydown areas;
- Potential removal and replacement of US Coast Guard navigational tower structure;
- Place armor stone fill at jetty trunk and head;
- Initial dredging of up to 60,000 cubic yards of material for the Material Offloading Facility (MOF) basin; and,
- Maintenance dredging of the MOF Basin within One (1) year after construction.

The project will result in the placement of 0.51 acre of permanent fill in Category III wetlands; 0.04 acre of temporary fill in Category I wetlands; and impact approximately 1.9 acres of buffer to create construction access, material delivery, staging, and construction lay-down areas.

All temporary impacts will be restored to pre-construction condition. To offset the permanent impacts to Category III wetlands and buffers, the Applicant will purchase 0.89 credits from the Long Beach Wetland Mitigation Bank.

Approximately 15,000 cubic yards of driftwood, which has accumulated along the trunk of the jetty will be either incorporated into elements of site restoration or mitigation designs, or partially removed as part of the project.

This project is located at the mouth of the Columbia River near the Ilwaco Channel, within the U.S. Coast Guard reservation and in the vicinity of Cape Disappointment State Park, Ilwaco,

Pacific County, Washington; Sections 9 and 16, Township 9 North, Range 11 West; WRIA 24, Willapa Watershed.

AUTHORITIES:

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §1311, 1312, 1313, 1316, and 1317 (FWPCA § 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and,
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will meet the applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. § 1341, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean the U.S. Army Corps of Engineers, Portland District Civil Works and its agents, assignees and contractors.
2. For the purposes of this Order, all submittals required by its conditions shall be sent either by regular mail to Ecology's Southwest Regional Office, Attn: Federal Permit Manager, P.O. Box 47775, Olympia, WA 98504-7775 or via e-mail (preferred) to loch461@ecy.wa.gov.

3. All submittals and notifications shall be identified with Order No. 11477, Corps Project No. CENWP-PM-E-10-03; P2#403198 and include the Applicant's name, project name, and project location.
4. Work authorized by this Order is limited to the work described in the Joint Aquatic Resource Permit Application (JARPA) submittal package received by Ecology on April 27, 2015. The Applicant will be out of compliance with this Order and must submit an updated JARPA if the information contained in the JARPA referenced above is voided by subsequent changes to the project not authorized by this Order.
5. Within 30 days of receipt of an updated JARPA, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
6. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
7. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Furthermore, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified or if additional conditions are necessary to further protect water quality.
9. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
11. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

B. Water Quality Conditions:

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i).

- a. The area of mixing established for marine waters is a 150-foot radius surrounding the in-water activity. Turbidity occurring outside that zone that is more than 5 nephelometric turbidity units (NTU) over background when the background is 50 NTU or less, or a 10% increase in turbidity when the background turbidity is more than 50 NTU is a violation of the turbidity water quality standard.
 - b. A visible turbidity plume anywhere at or beyond the 150-foot point of compliance from the activity shall be considered to be an exceedance of the standard.
2. Water Quality Monitoring: The Applicant shall conduct water quality monitoring as described in the U.S. Army Corps of Engineers, Portland District, *Water Quality Protection and Monitoring Plan for Section 401 Individual Water Quality Certification, Mouth of the Columbia River, Jetty A Rehabilitation* (WQPMP) dated April, 2015.
3. Ecology must approve, in writing, and changes or additions to the WQPMP.
4. Reporting: Results of the water quality monitoring shall be documented in a Monitoring Report and submitted to the Ecology Federal Permit Manager, weekly during the period of in-water work activities, per Condition A.2 of this Order.
5. Water Quality Exceedances: If water quality exceedances are observed outside the point of compliance, work shall cease immediately and the Applicant or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, correct the problem and prevent further water quality turbidity exceedances. If an exceedance occurs, the Applicant shall follow the procedures below.
6. Notification of Exceedances: Notification of exceedances shall be made to Ecology **within 24 hours of occurrence**. Notification shall be made with reference to Order No. 11477, Attn: Federal Permit Manager, by telephone at (360) 407-6926 or by e-mail at loch461@ecy.wa.gov. The Applicant shall, at a minimum, provide Ecology with the following information:
 - a. A description of the nature, extent, and cause of the exceedance.
 - b. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the project will return to compliance.
 - c. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
 - d. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the exceedance, water quality monitoring results and location, photographs, and any other pertinent information.
7. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

C. Timing Requirements:

1. This Order shall remain in effect for a period of five (5) years from date of issuance.

D. Notification Requirements:

1. Written notification (e-mail is preferred) shall be made to Ecology's Southwest Regional Office Federal Permit Manager in accordance with Condition A.2, for the following activities:
 - a. Prior to the onset of in-water work for **each construction season**.
 - b. Within ten (10) days **after completion of construction for each project season**.
 - c. **Immediately** following a violation of the state water quality standards or any condition of this Order.
2. If project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit a written construction status report. Status reports shall be submitted every 12 months thereafter until project construction is complete.

NOTE: These notifications shall include the Applicant's name, the Project name, Order No. 11477, Corps Project No. CENWP-PM-E-10-03; P2#403198, the project location, contact name, and contact's phone number.

E. General Construction Conditions:

1. The Applicant shall submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to Ecology's Southwest Regional Office Federal Permit Manager, per Condition A.2. of this Order, prior to the start of construction.
2. All work in and near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts.
3. Construction stormwater, sediment, and erosion control Best Management Practices (BMP's) outlined in the SWPPP shall be in place at before starting clearing, filling, and grading work and shall be maintained throughout construction.
4. Within the project limits, all environmentally sensitive areas that are to be protected from disturbance shall be fenced with high visibility construction fence (HVF) prior to commencing construction activities. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries.
5. All clearing limits, travel corridors, stockpile locations, and staging areas shall be clearly marked prior to commencing construction activities and maintained until all work is completed for this project.
6. Staging areas located within 50 feet of waters of the state, shall provide additional spill containment for any equipment used at that location and have absorbent pads and booms immediately available.

7. Appropriate BMPs shall be implemented to minimize track-out during construction.
8. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands a minimum of 100 feet from waters of the state including wetlands, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
9. No petroleum products, fresh concrete, lime, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
10. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working area shall not be discharged into state waters. The Applicant shall establish a separate, contained area for washing down vehicles and equipment that does not have any possibility of draining to surface waters and/or wetlands.
11. All construction debris, excess sediment, and other solid waste material shall not be stockpiled below the Ordinary High Water Mark (OHWM) and shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
12. Clean Fill Criteria: The Applicant shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.
13. Rock for the jetty should be composed of clean, angular material of a sufficient durability and size to prevent it from being broken up or washed away by high water or wave action.
14. All equipment that will operate over or within waters of the state shall utilize biodegradable hydraulic fluid and shall be free of external petroleum-based products. Accumulation of soils or debris shall be removed from the drive mechanisms and the undercarriage of equipment prior to use. Equipment shall be inspected daily for leaks, accumulation of grease, etc. Any identified problems shall be fixed before operating over or within waters of the state.
15. Barge(s) shall not be anchored over vegetated shallows and shall not be allowed to ground out.
16. Barge(s) and tugs shall be operated in deep water so as to minimize the near-shore propeller wash impacts such as suspension of near-shore sediments.

Concrete Work

18. Spill protection measures shall be in place prior to any concrete delivery near waters of the state.
19. If cast in place, wet concrete/grout shall be prevented from entering waters of the state. All forms for any concrete/grout structure shall be completely sealed off to prevent the possibility of fresh concrete entering waters of the state. Impervious materials shall be placed over any exposed concrete/grout.

20. Concrete delivery systems shall be inspected daily to prevent any discharges to surface waters.
21. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of properly with no possible entry to waters of the state

Pile Installation and Removal

22. Three (3) berthing dolphins may be constructed as part of the material off-loading facility (MOF). Berthing dolphins may be constructed of steel or untreated wood piles. No treated wood piles may be placed.
23. A vibratory hammer shall be used to install and remove piles.
24. All piles used for construction of the MOF will be removed upon project completion.

F. Dredging and Disposal Conditions:

1. A *Dredging Plan* is required and shall be submitted to Ecology's Federal Permit Manager (Per Condition A .2 above) at least ten (10) days prior to any dredge activity at the project location.
2. All dredging is to be done using a clam shell or pipeline dredge. Use of any other type of dredge requires pre-approval from Ecology.
3. If a pipeline dredge will be used, the cutterheads will remain on the bottom to the greatest extent possible and only be raised three (3) feet off the bottom when necessary for dredge operations.
4. Dredging operations shall be conducted in a manner that minimizes the disturbance or siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals, or other toxic or deleterious substances into waters of the State.
5. To minimize turbidity, hopper dredges, scows, and barges used to transport dredged materials to the disposal or transfer sites must completely contain the dredged material.
6. The Dredge Operator shall pause the bucket at the surface, after its ascent through the water column, to minimize turbidity by allowing free water to drain from the bucket prior to swinging the bucket onto the barge.
7. During dredging, the Corps shall have a boat available on site at all times to retrieve any debris from the water.

Disposal of Dredged Material:

8. Dredged material shall not be stockpiled on a temporary or permanent basis below the ordinary high water mark.
9. In order to maximize retention of sand in the littoral system for beneficial uses, dredged material shall be placed within existing, approved, in-water disposal sites (Shallow Water site and North Jetty site) or at other nearshore sites which are considered dispersive in

nature and have the ability to provide materials to the littoral system; unless the use of a site would result in an unacceptable risk to navigational safety.

10. Disposal of material in the Deepwater Site constitutes a wasting of the littoral sand resource. Therefore, the Corps shall only use the proposed Deepwater Site as a contingency site for disposal of dredged material where a determination has been made that the use of the other authorized sites would result in an unacceptable risk to navigational safety.
11. For material taken to open water disposal sites, all debris (larger than two feet in any dimension) shall be removed from the dredged sediment prior to disposal. Similar sized debris found floating in the dredging or disposal area shall also be removed.

G. Compensatory Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the *Proposed Bank Use Plan, Mouth of the Columbia River, Jetty A Rehabilitation Project* (hereafter called the "mitigation plan") prepared by The U.S. Army Corps of Engineers, Portland District, dated March 2015 or as revised and approved by Ecology.
2. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.89 wetland mitigation bank credits (credits) for impacts to 0.51 acre of Category III palustrine emergent wetland and 1.9 acres of wetland buffer, from the Long Beach Wetland Mitigation Bank. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase.
3. The Applicant shall notify Ecology of any changes to the amount of wetland impacts, or revisions to the mitigation plan.
4. The Applicant shall complete the purchase of credits before the impacts to wetlands occur or Ecology may require additional compensation to account for temporal loss of wetland functions.
5. If the credits are not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
 - a) The MCR Jetty A Rehabilitation Project;
 - b) When bank credits will be purchasedWith the:
 - c) Reason for the delay
 - d) Expected date of completion.The Applicant shall submit an updated written notification every 12 months thereafter until MCR Jetty A Rehabilitation Project is complete and the required credits are purchased.

H. Emergency/Contingency Measures:

1. The Applicant shall develop a Spill Prevention and Containment Plan for all aspects of this project, and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these situations occur, the Applicant or operator shall immediately take the following actions:
 - a. Cease operations that are causing the compliance problem.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - c. In the event of finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
 - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
 - e. Immediately notify Ecology's 24-Hour Spill Response Team at 1-800-258-5990, and within 24 hours of spills or other events Ecology's Federal Permit Manager at (360) 407-6926 or (360) 407-6300.
 - f. Submit a detailed written report to Ecology's Federal Permit Manager within five (5) days (per condition A.2. above) that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.
4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology using the above phone numbers.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

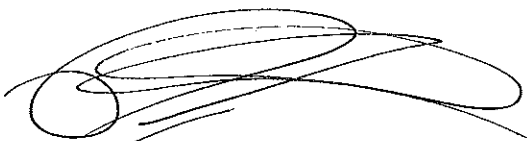
Please direct all questions about this Order to:

Lori Kingsbury, Federal Permit Manager
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775
loch461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

SIGNATURE



Perry J Lund, Unit Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

JUNE 29, 2015

Date

Attachment A
Statement of Understanding
Water Quality Certification Conditions

MCR – Jetty A Rehabilitation
U.S. Army Corps of Engineers, Portland District Civil Works
Water Quality Certification Order No. 11477
and
Corps Project No. CENWP-PM-E-10-03; P2#403198

I, _____, state that I will be involved as an agent or contractor for the U.S. Army Corps of Engineers, Portland District Civil Works, in the site preparation and/or construction of the MCR – Jetty A Rehabilitation Project, located at the mouth of the Columbia River within the U.S. Coast Guard Reservation, in the vicinity of the Cape Disappointment State Park, Ilwaco, Pacific County, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order No. 11477 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Phone

Company

